

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD MACPHERSON,

Plaintiff,

-v-

370 CANAL FITNESS GROUP, LLC, et al.,

Defendants.

23 Civ. 464 (PAE) (BCM)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court having been advised that court-ordered mediation was successful and all claims asserted herein have been settled in principle, *see* Dkt. 32, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within 30 days of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed within 30 days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same 30-day period to be “so ordered” by the Court. Per Paragraph 4(C) of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any proposed order approving the settlement agreement that seeks the Court’s continued jurisdiction should either (1) expressly state that the Court retains jurisdiction to enforce the agreement or (2) incorporate the terms of the settlement agreement in the order.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 31, 2023
New York, New York